

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-12253JLA

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STEVEN MCDERMOTT and )  
STACEY MCDERMOTT, )  
Plaintiffs, )  
v. )  
FEDEX GROUND PACKAGE SYSTEMS, INC., )  
T.S. PRUITT, ALLEGIANCE HEALTH CARE )  
INC., D. PONCE, E.W. WYLIE CORPORATION, )  
D.W. SMITH, ARSENBERGER TRUCKING )  
INC. J.T. FOSBRINK, RYDER TRUCK RENTAL,)  
LORRAINE ODZANA as ADMINISTRATRIX )  
OF THE ESTATE OF JAMES J. ODZANA, )  
SHORELINE TRANSPORTATION, INC., )  
JACLYN PALETTA as ADMINISTRATRIX )  
OF THE ESTATE OF MARIO J. CASTRO, )  
Defendants. )  
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)

**DEFENDANT JACLYN PALETTA'S MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION**

The Defendant, Jaclyn Paletta, as Administratrix of the Estate of Mario Castro (hereinafter "Paletta"), hereby moves pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure that all claims and cross-claims against her be dismissed for lack of personal jurisdiction. In support, Paletta relies on its memorandum of law with exhibits and affidavits of Russ Mazzeo and Jaclyn Paletta, both of which are filed herewith and are incorporated by reference herein.

Respectfully Submitted,  
JACLYN PALETTA as  
ADMINISTRATRIX of the  
ESTATE OF MARIO J. CASTRO,  
By her attorney,

/s/

Dated: July 23, 2007

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James S. Franchek (BBO #177030)  
Adam M. Berkowitz (BBO #648172)  
Franchisek Law, LLC  
92 State Street, 8<sup>th</sup> Floor  
Boston, Massachusetts 02109  
(617) 573-0020

**CERTIFICATE OF FULE 7.1 CONFERENCE AND OF SERVICE**

I, Adam M. Berkowitz, Esq., hereby certify that prior to filing the above motion the parties conferred at the June 20, 2007 Status Conference concerning its subject matter in a good faith attempt to resolve or narrow the issues presented. The undersigned further certifies that on July 23, 2007 this document is being filed through the ECF system and, accordingly, is being sent electronically to the registered participants as identified on the Notice of Electronic Filing and a paper copy will be sent to any party indicated as a non-registered participant

/s/

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Adam M. Berkowitz

Dated: July 23, 2007